

REMARKS/ARGUMENTS

In the Office Action mailed April 7, 2008 (hereinafter, “Office Action”), claims 1-18 stand rejected under 35 U.S.C. § 103.

Applicants respectfully respond to the Office Action.

I. Claims 1-18 Rejected Under 35 U.S.C. § 103(a)

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0018759 to Baumann (hereinafter, “Baumann”) in view of U.S. Patent No. 6,920,555 to Peters et al. (hereinafter, “Peters”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (*citing Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (*citing In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 recites “using an imaging tool to write the image to the hard drive of the computer system, wherein the imaging tool uses a temporary file system to access the image.” Baumann, alone or in combination with Peters, does not teach or suggest this subject matter.

Instead Baumann states:

At step 206 in FIG. 2, an application on the client system will delete all current partitions on the target drive for the system image and system

customization. Then, a temporary storage space (e.g. a partition, a writeable CD, a RAM drive) will be created on the client system 102. Next, at step 208, the image files corresponding to the requested system image are transferred, from the storage device 108 connected to the server system 104, to the temporary storage space on the client system 102 that was created at step 206. At step 210, the image files are cloned from the temporary storage space on the client system 102 to the free space on the client system 102. This step is performed using a cloning tool on the client system 102 to restore the system image from the image files. At step 212, the image files are deleted from the temporary storage space and the customization files corresponding to the requested system customization are transferred from the storage device 108 on the server system 104, to the temporary storage space on the client system 102. The client system 102 is then rebooted, at step 214, and then the customizations stored in the temporary storage space are applied to the system image on the client system 102. After the customizations have been applied, step 216 is performed to remove the temporary storage space from the client system and then to format or partition the target drive on client system 102.

Baumann, paragraph [15].

The above cited portion of Baumann describes the creation of a “temporary storage space” on the client system. (*Id.*) Baumann then describes how the “image files corresponding to the requested system image are transferred, from the storage device... to the temporary storage space.” (*Id.*) However, the creation of a “temporary storage space” on the client system does not teach or suggest using “a temporary file system to access the image” as suggested by the Office Action. Baumann explicitly lists examples of a “temporary storage space” as “a partition, a writeable CD, [and] a RAM drive.” Applicants respectfully submit that a “temporary storage space” is not a “temporary file system” as suggested by the Office Action. Furthermore, Applicants respectfully submit that “a partition, a writeable CD, [and] a RAM drive” are not examples of “temporary file systems” and instead are examples of “temporary storage space[s].” Thus, the above cited portion of Baumann does not teach or suggest “using an imaging tool to write the image to the hard drive of the computer system, wherein the imaging tool uses a temporary file system to access the image.” The addition of Peters does not overcome the deficiencies of Baumann.

Instead Peters states:

A first step provides a migration content storage partition in the computer system; this partition will hold migration content such as user settings that are being migrated from an old operating system to an upgraded or new operating system on the computer... A second major step saves migration content (i.e., user profile information such as user settings and/or user data) into the provided migration content storage partition... A third major step deploys an image into a partition of the computer system, overwriting that partition's copy of user profile information that was first saved to the migration partition... A fourth major step then uses the migration tool to restore migration content from the migration content storage partition into the newly imaged partition.

Peters, col. 2, lines 20-57.

The above cited portion of Peters does not teach or suggest “using an imaging tool to write the image to the hard drive of the computer system, wherein the imaging tool uses a temporary file system to access the image” as suggested by the Office Action. Providing “a migration content storage partition in the computer system; this partition will hold migration content” is not a “temporary file system.” The above cited portion of Peters does not teach or suggest anything about file systems or temporary file systems. Applicants respectfully submit that describing a “storage partition in the computer system” does not teach or suggest “using an imaging tool to write the image to the hard drive of the computer system, wherein the imaging tool uses a temporary file system to access the image.”

Peters further states that “during a user profile restoring step 212 the migration content is read back from its temporary storage location and applied to the newly image partition.” (Peters, col. 8, lines 35-38.) A “temporary storage location” is not a “temporary file system.” Whether a storage location is “temporary” has nothing to do with the type of file system being used to access it. Thus, the above cited portion of Peters does not teach or suggest the use of a “temporary file system.”

Claim 1 further recites “a temporary file system [that] is transparent to the imaging tool.” Baumann, alone or in combination with Peters, does not teach or suggest this subject matter.

The Office Action has not cited, nor can Applicants find any portion of Baumann that teaches or suggests a “temporary file system [that] is transparent to the imaging tool.” Furthermore, the

Office Action has not cited, nor can Applicants find any portion of Baumann teaches or suggests anything about a “temporary file system [that] is transparent.” The addition of Peters does not overcome the deficiencies of Baumann.

The Office Action has not cited, nor can Applicants find any portion of Peters that teaches or suggests a “temporary file system [that] is transparent to the imaging tool.” Furthermore, the Office Action has not cited, nor can Applicants find any portion of Peters that teaches or suggests anything about a “temporary file system [that] is transparent.”

Claim 1 also recites use of a “temporary file system [that] is... not the file system of the hard drive.” Baumann, alone or in combination with Peters, does not teach or suggest this subject matter.

Instead Baumann states:

At step 206 in FIG. 2, an application on the client system will delete all current partitions on the target drive for the system image and system customization. Then, a temporary storage space (e.g. a partition, a writeable CD, a RAM drive) will be created on the client system 102. Next, at step 208, the image files corresponding to the requested system image are transferred, from the storage device 108 connected to the server system 104, to the temporary storage space on the client system 102 that was created at step 206. At step 210, the image files are cloned from the temporary storage space on the client system 102 to the free space on the client system 102. This step is performed using a cloning tool on the client system 102 to restore the system image from the image files. At step 212, the image files are deleted from the temporary storage space and the customization files corresponding to the requested system customization are transferred from the storage device 108 on the server system 104, to the temporary storage space on the client system 102. The client system 102 is then rebooted, at step 214, and then the customizations stored in the temporary storage space are applied to the system image on the client system 102. After the customizations have been applied, step 216 is performed to remove the temporary storage space from the client system and then to format or partition the target drive on client system 102.

Baumann, paragraph [15].

The above cited portion of Baumann does not teach or suggest using a “temporary file system [that] is... not the file system of the hard drive” as suggested by the Office Action. Instead,

Baumann describes how “the image files are cloned from the temporary storage space on the client system 102 to the free space on the client system.” (*Id.*) This cloning “restore[s] the system image from the image file.” However, moving image files “from the temporary storage space... to the free space” is not using a “temporary file system [that] is... not the file system of the hard drive” as suggested by the Office Action. A “temporary storage space” is neither a “temporary file system” nor a “temporary file system [that] is... not the file system of the hard drive.” The above cited portion of Baumann does not teach or suggest anything about file systems or temporary file systems. Furthermore, the above cited portion of Baumann does not teach or suggest anything about using a file system that is “not the file system of the hard drive.” Applicants respectfully submit that describing a “temporary storage space” does not teach or suggest a “temporary file system [that] is... not the file system of the hard drive.” The addition of Peters does not overcome the deficiencies of Baumann.

Instead Peters states:

A first step provides a migration content storage partition in the computer system; this partition will hold migration content such as user settings that are being migrated from an old operating system to an upgraded or new operating system on the computer... A second major step saves migration content (i.e., user profile information such as user settings and/or user data) into the provided migration content storage partition... A third major step deploys an image into a partition of the computer system, overwriting that partition's copy of user profile information that was first saved to the migration partition... A fourth major step then uses the migration tool to restore migration content from the migration content storage partition into the newly imaged partition.

Peters, col. 2, lines 20-57.

The above cited portion of Peters does not teach or suggest using a “temporary file system [that] is... not the file system of the hard drive” as suggested by the Office Action. Providing “a migration content storage partition in the computer system; this partition will hold migration content” is neither a “temporary file system” nor a “temporary file system [that] is... not the file system of the hard drive.” The above cited portion of Peters does not disclose anything about file

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systems or temporary file systems. Applicants respectfully submit that disclosing a “storage partition in the computer system” does not disclose a “temporary file system [that] is... not the file system of the hard drive.”

Peters further states that “during a user profile restoring step 212 the migration content is read back from its temporary storage location and applied to the newly image partition.” (Peters, col. 8, lines 35-38.) A “temporary storage location” is not a “temporary file system [that] is... not the file system of the hard drive.” Whether a storage location is “temporary” has nothing to do with the type of file system being used to access it. Thus, the above cited portion of Peters makes no mention of a temporary file system or that the temporary file system is not the file system of the hard drive.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-9 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-9 be withdrawn.

Claims 10 and 15 include subject matter similar to the subject matter of claim 1. As such, Applicants submit that claims 10 and 15 are patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1 and request that the rejection of these claims be withdrawn.

Claims 11-14 depend either directly or indirectly from claim 10. Claims 16-18 depend either directly or indirectly from claim 15. Accordingly, Applicants respectfully request that the rejection of claims 11-14 and 16-18 be withdrawn.

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II. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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